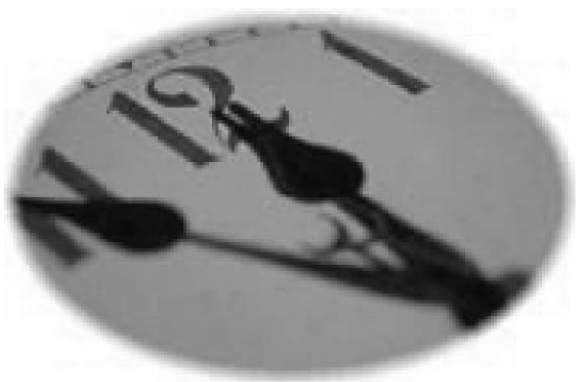


Workplace Standards

Wages & Hours



A quick guide for
employees and employers
regarding wage and hour standards
in Missouri.

Division of Labor Standards



Workplace Standards:

This brochure serves as a guide for Missouri employers and employees navigating the state's wage and hour laws. These laws were put in place to promote and protect our state's economic stability and are enforced by the Missouri Department of Labor and Industrial Relations' Division of Labor Standards (DLS).

Minimum Wage Law:

Most employers must pay their employees the state minimum wage rate. (Employers engaged in retail or service businesses whose annual gross income is less than \$500,000 are not required to pay the state minimum wage rate.) Tipped employees must be paid half of the state minimum wage rate. However, if the tipped employee does not make up the other half of the minimum wage in tips, the employer is required to pay the difference. Employers not subject to the minimum wage law can pay employees wages of their choosing.

Employees who feel they have not been compensated should file a complaint with DLS to be investigated. Visit www.labor.mo.gov/DLS/WageAndHour/MinimumWage for current state and federal minimum wage rates or to file a complaint.

Reducing/Deductions from an Employee's Wages:

Reduction – An employer may reduce an employee's wages, providing the employee is given a 30-day advance written notice of a reduction in wages. This notice requirement does not apply if an employee is asked to work fewer



hours or changes to a different position with different duties. Any company or corporation violating this requirement shall pay each affected person \$50, which can be recovered through court action.

Deduction – An employer may deduct funds from an employee's wages for cash register shortages, damage to equipment, repayment of a cash advance or loan, for purchases made at the place of business, or for similar reasons. Deductions can be made from an employee's wages as long as the deductions do not take the employee's wages below the required minimum hourly wage rate.

Work Hours, Travel, and Overtime Pay:

Work Hours – There is no minimum or maximum number of hours an employee may be scheduled or asked to work. This is in accordance with the Fair Labor Standards Act (FLSA). Both Missouri and federal labor laws require most employers to pay or compensate their employees for the number of actual hours worked.



Travel Time – Generally, time spent commuting from home to the workplace is not work time. But time spent traveling during normal work hours as part of the job is considered work time and employees are entitled to be paid for this travel time. Such travel time will be taken into account as work time in determining whether employees have been paid the minimum wage rate.

Overtime Pay – Employers must pay at least one and one-half times the employee's regular rate of pay once overtime pay is in effect. Overtime pay begins once an employee works more

than 40 hours in a work week. Overtime pay is not required under the federal and state minimum wage laws when an employee works more than 8 hours in a day, so long as the employee does not work more than 40 hours in a work week. State and federal laws do not allow employees to voluntarily waive their rights to overtime pay and accept straight time instead. Any employer that asks an employee to do so violates the law. To file a complaint, visit www.labor.mo.gov/DLS/WageAndHour/MinimumWage.

Discharged Employee and Final Wages:

Missouri follows the Employment-At-Will Doctrine. This means that both the employer and employee can terminate the employment relationship **at any time and for any reason**, as long as there is no employment contract to the contrary, there is no discrimination under civil rights laws (based on race, color, age, national origin, religion, ancestry, sex, or physical/mental disability), no merit laws apply, or the state's limited public policy exception does not apply. Under Missouri's limited public policy exception to the Employment-at-Will Doctrine, an employer may not discharge an at-will employee for (1) refusing to violate a law; (2) reporting violations of the law; or (3) asserting a legal right, for example, filing a workers' compensation claim. *If you feel you have been discriminated against while on a job or while applying for a job, you have the right to file a complaint with the Missouri Commission on Human Rights (see back for contact information).*

Employers are required to pay a discharged employee all wages due at the time of dismissal. State law does not require payment of earned vacation time at the time of termination. However, an employee has the right to attempt recovery of earned vacation time through the courts.



Breaks, Lunches, and Personal Time Off:

Missouri law does not require employers to provide employees a break of any kind, including a lunch hour. These provisions are either left up to the discretion of the employer, can be agreed upon by the employer and employee, or may be addressed by company policy or contract.

Vacation Pay and Sick Leave:

Employers are not required to provide vacation pay, holiday pay, or severance pay – these are benefits given at an employer's discretion. The exception would be instances where an employer has entered into a contract where certain benefits are established by agreement.

Employers are not required to offer paid sick leave or any other type of paid fringe benefit; this is left up to the employer's discretion, or to any contract agreement the employer may have with its employees. Likewise, an employer may provide sick leave and vacation benefits to one group of employees, but not to others, as long as the employer does not discriminate based upon age, race, sex, religion, national origin, etc. *If an employee feels he/she is not offered certain benefits based on discrimination, he/she should contact the Missouri Commission on Human Rights.*

Illness and FMLA Protections:

If an employee missed work due to either his/her own illness, or to that of a family member, the employee may qualify for job protections under the Family and Medical Leave Act (FMLA), which is a federal law administered by the U.S. Department of Labor (USDOL). For specific details, please contact the USDOL. Under state law, no such protections exist.

Prevailing Wage:



Employers are required to pay the prevailing wage rate to employees working on public works construction projects. "Public works" means all fixed works constructed for public use or benefit or paid for wholly or in part out of public funds.

The prevailing wage rate is the minimum wage amount that must be paid to workers on Missouri public works construction projects. The rates are determined each year for every county and occupational title based on wages actually paid in each county. To learn more about the law, rules, and current prevailing wage rates, visit www.labor.mo.gov/DLS/WageAndHour/PrevailingWage/prevailing_wage.asp.

To file a prevailing wage complaint, visit www.labor.mo.gov/DLS/forms/PW-6-AI.pdf.

Authority of the Department of Labor and Industrial Relations:

While the Department of Labor and Industrial Relations' Division of Labor Standards (DLS) does not have the authority to legally compel employers to pay employees the wages they are owed, the DLS does investigate all wage complaints and has more than a 90 percent success rate of recovering owed wages. The DLS encourages workers to file a wage complaint if they feel they have not been properly compensated. It also is the employees' right, to take legal action and seek relief through the courts. If the amount due in back wages is less than \$3,000, workers may file their claim in Small Claims Court, where costs are less and it is easier to proceed without hiring private legal counsel. Individuals attempting to recover

amounts above \$3,000 should pursue a private right of action in circuit court.

Even if an employee expected to be paid at a rate higher than the minimum wage rate, the DLS can only determine back wages due to the employee based on the difference between the wages actually received and the statutorily required minimum wage rate. *(If the Prevailing Wage Law applies, then the DLS can only calculate the wages due based on the difference between the wages actually received and the applicable prevailing wage rate.)*

For example, suppose an employee expected to receive \$500 for 40 hours of work (12.50 per hour), but was paid only \$250 for that 40 hours of work (\$6.25 per hour). When the DLS determines the back wages due to the employee, it may only calculate the back wages due based on the difference between the minimum wage rate (currently \$7.25 per hour) and the wage rate actually paid (\$ 6.25 per hour). The employee still may have a basis (such as an employment contract requiring payment at the higher wage rate) to pursue a private legal remedy on his/her own with regard to the remaining wages.



Missouri Department of Labor and Industrial Relations
Division of Labor Standards

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3315 W. Truman Blvd.
P.O. Box 449
Jefferson City, MO 65102
www.labor.mo.gov/DLS
laborstandards@labor.mo.gov
573-751-3403
800-735-2966 (TDD)

U.S. Department of Labor
Wage and Hour Division
www.dol.gov

1222 Spruce St., Room 9.102B
St. Louis, MO 63103
314-539-2706

Gateway Tower II
400 State Avenue, Suite 1010
Kansas City, KS 66101
913-551-5721

To file a discrimination complaint, contact:
The Missouri Commission on Human Rights
Jefferson City Office: 573-751-3325
St. Louis Office: 314-340-7590
Toll Free: 877-781-4236
www.labor.mo.gov/mohumanrights

Relay Missouri:

If calling by home phone or cell phone, dial "711."
All other callers should dial 800-735-2966.